

REPORT OF THE TRIAL JUDGE  
WHERE DEATH PENALTY IMPOSED

State v. Mack Arthur King

# 53,027

Capital Offense for which Penalty Imposed \_\_\_\_\_  
Capital Murder \_\_\_\_\_

Other offenses in same trial None

A. Data Concerning Defendant:

1. Age 21 2. Sex M 3. Marital Status: \_\_\_\_\_
4. Children (a) Number of None Never Married X  
(b) Ages \_\_\_\_\_ Married \_\_\_\_\_  
Divorced \_\_\_\_\_  
Spouse Dec'd. \_\_\_\_\_
5. Parents: Father- living: yes X No \_\_\_\_\_  
Mother- living: Yes \_\_\_\_\_ No X
6. Highest level of education 6th
7. Intelligence Level: (IQ below 70) Low \_\_\_\_\_  
(IQ 70 - 100) Medium \_\_\_\_\_  
(IQ above 100) High \_\_\_\_\_
8. Psychiatric evaluation performed: Yes X No. \_\_\_\_\_  
Is Defendant:  
(a) Able to distinguish right from wrong? Yes X  
No \_\_\_\_\_  
(b) Able to adhere to the right? Yes X  
No \_\_\_\_\_  
(c) Able to cooperate intelligently in his own defense? Yes X  
No \_\_\_\_\_  
(d) If examined, were character or behavior disorders found? Yes \_\_\_\_\_  
No X  
If yes, elaborate \_\_\_\_\_  
See attached report from Mississippi State Hospital

9. What other pertinent psychiatric or psychological information was revealed?  
See attached report

10. Brief impressions of sentencing judge as to conduct of Defendant at trial and sentencing: Normal

11. Brief resume of defendant's general position and reputation in the community; (social and economic background, work record, etc.) Unknown

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Data Concerning the Trial:

1. How did the defendant plead? Not guilty
2. Was the case tried with a jury? Yes
3. Brief Summary of the Evidence at Trial on Guilt:  
Necklace being worn by victim at time of death was given by the defendant to his girl friend, Barbara Jordan. Other items removed from victim's home were in the possession of Barbara Jordan or found in wooded area beside her house which was also the defendant's residence. Defendant had done yard work for victim on previous occasions; defendant's fingerprints found on items in victim's home. Defendant admitted burglary but denied killing victim, said another party came in after he left - other party was not in area during commission of crime. Sheet taken from victim's bed during crime was found at defendant and girl friend's house.

4. Brief summary of the evidence at trial on sentencing: (List all statutory, aggravating and mitigating circumstances under 19 '7 Miss. Gen. Acts, Ch. 458, Sec. (2) 5 and 6 [Amending Miss. Code Ann. § 97-3-21 (1972)] which appear in this case.  
State put on family members to establish victim's age (84), her physical condition, her poor eyesight, and her arthritis; also, that due to her arthritis she could not remove the necklace offered in evidence, and moved to re-introduce evidence and exhibits received during trial on guilt phase.

Defendant declined to offer any evidence in mitigation and elected to rest with the State.

5. List any other aggravating or mitigating circumstances: None
6. Does the Defendant's physical or mental condition call for special consideration? No
7. Although the evidence suffices to sustain the verdict, does it foreclose all doubt about the defendant's guilt? Yes

8. Was the jury instructed as to all aggravating and mitigating circumstances? All requested and known by the Court
9. Data concerning victim of crime: (State generally any known facts concerning the victim which may have had any influence on the verdict or sentence (e.g., relationship to defendant by kin, friendship or employment; sex and race of victim, victim's position in community, age, etc.) Victim was elderly white woman who defendant had worked for on occasion, knew she was hard of hearing, and knew she was not capable of physically defending herself. I know of no special standing victim had in the community which would have had any influence on the jury.

C. Representation of Defendant:

1. Date counsel secured 8-6-80
2. How secured: Retained Appointed X
3. If appointed, why? Indigent
4. Years defense counsel has practiced law 25
5. Nature of defense counsel's practice: Mostly civil General X; Mostly criminal X
6. Did the same counsel serve throughout trial? Yes  
If not, explain in detail: \_\_\_\_\_

D. General Considerations:

1. Was race raised as an issue in the trial? No
2. Did racial considerations otherwise appear in the trial? No. If yes, explain. \_\_\_\_\_
3. Were members of defendant's race represented on the jury? No - two black alternates
4. Was jury instructed to exclude race as an issue? Yes
5. Was there extensive publicity in the community concerning this case? No
6. Was the jury instructed to disregard such publicity? Yes
7. Was the jury instructed to avoid any influence of passion, prejudice, or any other arbitrary factor when imposing sentence? Yes
8. Was there any evidence that passion, prejudice or other arbitrary factor may have influenced the jury? No. If so, explain: \_\_\_\_\_
9. General comments of the Trial Judge concerning the appropriateness of the sentence imposed in this case (to include sentences imposed in any similar cases the Judge may have tried): This was a cold-blooded, senseless murder; defendant could have taken any items in the house without harming the old lady. If she saw him though she would have recognized him. I feel that the jury was entirely justified in fixing penalty at death. Facts and physical evidence justified conviction and sentence.



4. Facts in record to support a finding of mitigating circumstances:

MISSISSIPPI STATE HOSPITAL



James C. Stubbs  
Director

WHITFIELD, MISSISSIPPI 39793  
November 4, 1980

William C. Welch M.D.  
Clinical Director

Honorable Judge Harvey S. Buck  
P.O. Box 835  
West Point, Mississippi 39773

Re: Mack Arthur King

Dear Judge Buck:

We saw Mr. Mack Arthur King, a twenty-one year old black male, for psychiatric evaluation to determine competency and responsibility in connection with a charge of capitol murder.

After psychiatric interview and consideration of the history provided, the professional staff here at the forensic unit unanimously agreed that the patient was without psychosis, competent to stand trial and responsible for his actions at the time of the alleged crime.

If we can provide further assistance or information, please contact me.

Respectfully,

*Robert L. McKinley, Jr.*  
Robert L. McKinley, Jr., M. D.  
Staff Psychiatrist

RLM/uw

c c - Honorable John M. Montgomery, District Attorney  
Sheriff Louis W. Harper, Sr.  
Mr. T. E. Wiggins, Circuit Clerk  
Honorable Joe O. Sams, Jr., Attorney at Law

**FILED**

NOV 7 - 1980

*J. E. Wiggins*  
Circuit Clerk

CIRCUIT COURT OF LOWNDES COUNTY

NOVEMBER TERM, 1980

STATE OF MISSISSIPPI

PLAINTIFF

VERSUS

NO. 6716

MACK ARTHUR KING

DEFENDANT

Judge Harvey S. Buck - Presiding Judge  
P. O. Box 1055  
West Point, MS

Hon. John M. Montgomery - District Attorney  
P. O. Box 891  
Starkville, MS

Hon. Forrest Allgood - Asst. District Attorney  
516 Military Road  
Columbus, MS

Hon. Lee J. Howard - Asst. District Attorney  
P. O. Box 891  
Starkville, MS

Hon. Joe O. Sams, Jr. - Attorney for Defendant  
P. O. Box 249  
Columbus, MS

STATE OF MISSISSIPPI	IN THE CIRCUIT COURT
LOWNDES COUNTY	NOVEMBER TERM 1980
STATE OF MISSISSIPPI	PLAINTIFF
VERSUS	6716
MACK ARTHUR KING	DEFENDANT

I N D E X

Organization of the Court	1
Indictment and Return	2 - 3
Arraignment	4
Motion for Continuance and Certificate	5
Notice of Insanity Defense and Certificate	6
Order of Continuance	7
Motion to Make Indictment More Definite and Certain	8
Motion for Mental Examination and Certificate	9 - 10
Order Overruling Motion to Make Indictment More Certain	11
Motion for Additional Counsel and Certificate	12
Order Appointing Robert Prather, Additional Counsel	13
Order For Mental Examination	14 - 15
Letter From Whitfield	16
Motion for Special Venire and Certificate	17
Motion for Discovery and Certificate	18 - 19
Order for Special Venire	20
State's Request for Discovery	21
Motion for Disclosure of Alibi Defense and Notice of State's Witnesses and Certificate	22 - 24
Court Reporter's Transcript	25 - 359
Court Reporter's Index	26 - 31
Drawing of Special Venire	32 - 33
Partial Voir Dire by Defense Counsel	35 - 39
Selection of Jury	39 - 42



Special Oath	42
Explanation of Procedure of Trial by Court	42 - 46
Rule Invoked	47
Testimony of Jane Anderson	47 - 53
State's Exhibit #1 - Evidence	52
Testimony of Mrs. Charles Hughes	53 - 70
State's Exhibit #2 - Evidence	57 - 61
State's Exhibit #3 - Evidence	63
State's Exhibit #4 - Evidence	68 - 69
Testimony of Mike Mordecai	70 - 165
State's Exhibit #5 - Identification	79
State's Exhibit #6 - Identification	82
State's Exhibit #7 - Evidence	86
State's Exhibit #8 - Evidence	89
State's Exhibit #9 - Evidence	91
State's Exhibit #10 - Evidence	93
State's Exhibit #11 - Evidence	95
State's Exhibit #12 - Evidence	97
State's Exhibit #13 - Evidence	99
State's Exhibit #14 - Evidence	103
State's Exhibit #15 - Identification	106
State's Exhibit #16 - Identification	108
State's Exhibit #17 - Identification	111
State's Exhibit #18 - Identification	114
State's Exhibit #19 - Evidence	117
State's Exhibit #20 - Identification	122
State's Exhibit #21 - Identification	124
State's Exhibit #22 - Identification	126
State's Exhibit #23 - Identification	129
State's Exhibit #24 - Identification	131
State's Exhibit #25 - Identification	133
State's Exhibit #26 - Evidence	136

State's Exhibit #27 - Evidence	138
State's Exhibit #28 - Evidence	140
State's Exhibit #29 - Evidence	142
State's Exhibit #30 - Evidence	144
State's Exhibit #31 - Evidence	146
State's Exhibit #32 - Evidence	149
State's Exhibit #33 - Evidence	151
State's Exhibit #34 - Identification	154
Testimony of Ray Griner	157 - 203
State's Exhibit #35 - Evidence	162
State's Exhibit #36 - Evidence	167 - 169
State's Exhibit #37 - Evidence	175
State's Exhibit #38 - Evidence	178 - 182
State's Exhibit #39 - Evidence	191
State's Exhibit #40 - Identification	196
State's Exhibit #41 - Identification	198
Testimony of Jesse Moore	204 - 212
State's Exhibit #42 - Evidence	209
Testimony of Ron Smith	212 - 226
State's Exhibit #43 - Evidence	218
State's Exhibit #44 - Evidence	222
Testimony of Joe E. Andrews, Jr.	226 - 245
State's Exhibit #45 - Evidence	232
State's Exhibit #46 - Evidence	235
State's Exhibit #47 - Evidence	238
Defendant's Exhibit #48 - Evidence	242 - 243
Testimony of Troy Patterson, Jr.	247 - 248
Testimony of Jane Anderson	249 - 257
State's Exhibit #49 - Evidence	255
Recess for Night	258
Motion to Excuse Juror	259
Testimony of Jimmy Covington	260 - 264

Motion Taken Under Advisement	264 - 265
Testimony of Dr. Ben Martin	265 - 276
Testimony of Barbara Jordan	277 - 301
State's Exhibit #50 - Evidence	289
State's Exhibit #51 - Evidence	290
State Rests	302
Motion to Exclude Evidence and Directed Verdict	302
Ruling on Motion to Exclude Evidence and Directed Verdict	302
Defense Rest	302
Motion to Exclude Evidence and Directed Verdict	303
Ruling on Motion to Exclude Evidence and Directed Verdict	303
Motion to Voir Dire Juror, Mary C. Holley	303
Ruling on Motion to Voir Dire Juror, Mary C. Holley	303
Testimony of Mary C. Holley	303 - 307
Further Objection by Defense Attorney to Juror Returning to Jury Room	308
Ruling by Court on Motion to Discharge Juror	309
Ruling on Instructions	309 - 320
Court's Special Instructions	321 - 323
Closing Argument by Mr. Montgomery	323 - 330
Closing Argument by Mr. Sams	331 - 335
Closing Argument by Mr. Kesler	335 - 338
Closing Argument by Mr. Howard	338 - 344
Jury Verdict	345
Ruling on Instructions in Sentencing Phase	346 - 347
Testimony of Jane Anderson (Aggravation)	348 - 349
Testimony of Billy Yearout (Aggravation)	349 - 350
Testimony of Charles Hughes (Aggravation)	350 - 351
Testimony of Troy Patterson (Aggravation)	351 - 352
Testimony of Cindy Anderson (Aggravation)	352 - 354

State Rests	354
Defense Rests	355
Jury Verdict on Sentencing	356 - 357
Sentencing by Court	357 - 358
Court Reporters Certificate and Cost Bill	359
Instructions by Court - Given	360
Instructions by State - Given	361 - 366
Instructions by State - Withdrawn	367 - 371
Instructions by Defendant - Given	372 - 377
Instructions by Defendant - Refused	378 - 383
Instructions by Defendant - Withdrawn	384 - 386
Jury Verdict - Guilty	387
Jury Verdict - Sentencing	388
Order of Jury Verdict and Sentencing	389 - 390
Motion for New Trial	391
Order denying Motion for New Trial	392
Motion for Time to File Special Bill of Exceptions	393
Affidavit of Poverty for Appeal	394
Clerk's Certificate of Appeal	395
Notification of Court Reporter	396
Order Allowing Time to File Special Bill of Exceptions	397
Special Bill of Exceptions and Acceptance by Trial Court	398 - 399
Clerk's Cost Bill	400
Clerk's Certificate	401

STATE OF MISSISSIPPI

COUNTY OF LOWNDES

November Term 1980

November 10, 1980

First Day of Term

BE IT REMEMBERED, that the November Term of the Circuit Court of Lowndes County, Mississippi, was begun and held on the Second Monday of November, A.D., 1980 in the City of Columbus, Mississippi, there being and then and there present:

Honorable Joe O. Sams, Sr., Judge of the Sixteenth Circuit Court Judicial District.

Honorable Harvey S. Buck, Judge of the Sixteenth Circuit Court Judicial District.

Honorable John M. Montgomery, District Attorney, in and for said Judicial District.

Honorable Lee J. Howard IV, Assistant District Attorney, in and for said Judicial District.

Honorable DeForrest Allgood, Assistant District Attorney, in and for said Judicial District.

Honorable Jeffery C. Smith, County Attorney, in and for said County and State.

Mrs. Rachel G. McGee and Mrs. Kathleen H. Burnett, Court Reporters, in and for said Judicial District.

Honorable Louis Harper, Sheriff, in and for said County and State.

Honorable T. E. Wiggins, Circuit Clerk, in and for said County and State.

And all other officers of the Court.

At said term the following pleas and proceedings were heard and had, to-wit:

INDICTMENT—MURDER

ITAL

IN DEFENSE BROS., JACKSON, MISS.

THE STATE OF MISSISSIPPI,  
LOWNDES County

CIRCUIT COURT

AUGUST

Term, A. D., 19 80

No. 6716

LOWNDES

COUNTY

THE GRAND JURORS of the State of Mississippi, taken from the body of the good and lawful men and women of said County, duly elected, empanelled, sworn and charged, at the Term aforesaid of the Court aforesaid, to inquire in and for the body of the County aforesaid, in the name and by the authority of the State of Mississippi, upon their oaths present: That

MACK ARTHUR KING

OR ABOUT

late of the County aforesaid, on the 3RD day of

AUGUST

in the year of our

Lord 19 80, did then and there wilfully, unlawfully, feloniously and of HIS

malice aforethought kill and murder a human being LELA PATTERSON

WITHOUT AUTHORITY OF LAW AND NOT IN NECESSARY SELF-DEFENSE, WHILE HE, THE SAID MACK ARTHUR KING WAS THEN AND THERE ENGAGED IN THE COMMISSION OF THE CRIME OF BURGLARY IN VIOLATION OF SECTION 97-3-19(2)(E) OF THE MISSISSIPPI CODE OF 1972 AS AMENDED

contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the State of Mississippi.

*John A. Putzger*  
District Attorney

A True Bill

*Howard Sharp*  
Foreman of the Grand Jury

WITNESSES:

FILED AND CAPIAS ISSUED

RECORDED

AUG 21 1980

AUG 21 1980

Filed By *J.E. Wiggins* day of

19

By

CIRCUIT CLERK

Clerk

Recorded day of

19

Clerk

By

D. C.

2

AUG 22 1980

*J. E. Wigginton*  
Circuit Clerk

STATE OF MISSISSIPPI  
COUNTY OF LOWNDES

I have this day delivered personally to the  
within named Mack Arthur King  
a copy of the within indictment.

This the 22 day of August, 1980

Louis Harper, Jr. Sheriff

James L. King

D:SU281 24340-2NA 02113

SEP 11 1980

5-23  
STATE OF MISSISSIPPI

VS

NO. 6716Mack Arther King

This day came the District Attorney, who prosecutes for  
the State and the Defendant Mack Arther King  
in his own proper person and with his Attorney, \_\_\_\_\_

Joe Sams, Jr. present being duly arraigned  
upon a Bill of Indictment on the Charge of \_\_\_\_\_

Capital Murder and to the aforesaid  
charge the defendant plead Not Guilty

Thereupon the Defendant is ordered to the custody of  
the sheriff to await his Trial, and  
bond is hereby set at \$ No Bond

This the 22 day of Aug A.D., 1980

Harvey Buck  
Circuit Judge

AUG 22 1980

J.E. Wiggins  
Circuit Clerk



IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

AUGUST TERM, 1980

STATE OF MISSISSIPPI

PLAINTIFF

VERSUS

NO 6716

MC ARTHUR KING

DEFENDANT

---

MOTION FOR CONTINUANCE

---

Comes now the Defendant and moves to continue this cause for the reason that this is the return term, a serious crime is alledged to have been committed by the Defendant, an additional time is needed in which to prepare defense in this matter.

RESPECTFULLY SUBMITTED,

MC ARTHUR KING

BY: /s/ Joe O. Sams, Jr.

Joe O. Sams, Jr.,

Attorney for Defendant

Joe O. Sams, Jr.

Attorney at Law

P. O. Box 249

Columbus, MS 39701

CERTIFICATE

This is to certify that I have this day delivered to the Honorable John M. "Mickey" Montgomery, the District Attorney, or one of this assistants, a true and correct copy of the foregoing Motion for Continuance.

DATED this the 25th day of August, A.D., 1980.

/s/ Joe O. Sams, Jr.

Joe O. Sams, Jr.

F I L E D

Aug 25 1980

T. E. Wiggins,  
Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

AUGUST TERM, 1980

STATE OF MISSISSIPPI

PLAINTIFF

VERSUS

NO. 6716

MC ARTHUR KING

DEFENDANT

---

NOTICE OF INSANITY DEFENSE

---

This is to give notice that in the captioned cause one of the defenses to be presented will be the defense of insanity at the time of the commission of the act complained of in the indictment.

RESPECTFULLY SUBMITTED,

MC ARTHUR KING

BY: /s/ Joe O. Sams Jr.

Joe O. Sams, Jr.

Attorney for Defendant

Joe O. Sams, Jr.

Attorney at Law

P. O. Box 249

Columbus, MS 39701

CERTIFICATE

This is to certify that I have this day delivered to the Honorable John M. "Mickey" Montgomery, the District Attorney, or one of his assistants, a true and correct copy of the foregoing Notice of Insanity Defense.

DATED this the 25th day of August, A.D., 1980.

/s/ Joe O. Sams Jr.

Joe O. Sams, Jr.

F I L E D

Aug 25 1980

T. E. Wiggins

Circuit Clerk

6

STATE OF MISSISSIPPI

VS.

NO. 6716

MACK ARTHUR KING

CONTINUED

This cause coming on for hearing on motion by the defendant for a continuance of said cause and for good cause shown, the Court orders taht said motion is hereby sustained and said cause is hereby continued for the term.

Ordered this the 25 day of August A.D., 1980.

/s/ Harvey Buck

Circuit Judge

F I L E D

AUG 25 1980

T. E. Wiggins

Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
IN VACATION 1980

STATE OF MISSISSIPPI

VERSUS

MACK ARTHUR KING

NO. 6716

DEFENDANT

---

MOTION TO MAKE THE INDICTMENT MORE DEFINITE AND CERTAIN

---

The Defendant moves the Court to require the Honorable John "Mickey" Montgomery, District Attorney for the Sixteenth Judicial District, to make the indictment in the above styled and numbered cause more definite and certain, so that the Defendant may know exactly what he is charged with and would show in support thereof:

I

The language in the indictment is confusing and unclear and it is not readily apparent to the Defendant whether he is charged with murder, capital murder, or a lesser degree of homicide.

II

The indictment is unclear as to whether the state is proceeding under a felony murder rule or separate charges of burglary and murder.

WHEREFORE PREMISES CONSIDERED, the Defendant asks that the Court direct the District Attorney to make the indictment more clear and understandable before the next regular term of Court commences.

RESPECTFULLY SUBMITTED,

/s/ Joe O. Sams Jr.

Joe O. Sams, Jr.

Attorney for Defendant

F I L E D

SEP 17 1980

T. E. Wiggins  
Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
IN VACATION, 1980

STATE OF MISSISSIPPI

VERSUS

NO. 6716

MACK ARTHUR KING

DEFENDANT

---

MOTION FOR MENTAL EXAMINATION

---

Comes now the Defendant and moves the Court to authorize a mental examination of the Defendant to be made by the Mississippi State Hospital at Whitfield, and in support would show:

1. That the mentality of the Defendant is highly relevant to determine of the following factual issues:

(a) Voluntariness of any statement to law enforcement officers,

(b) Validity of any purported waivers of rights,

(c) Standard of conduct that would be expected of the Defendant in certain factual situations which will be developed during the trial.

(d) Ability of the Defendant to resist threats and undue influences of other parties.

2. That counsel for the Defendant is of the opinion based upon his conversations with the Defendant that his level of intelligence is considerably below that of the average person.

3. That as to the determination of the sentence to be imposed if the Defendant is convicted of Capital Murder mitigating factors to be considered by the jury, as set out in Section 99-19-101 of the Mississippi Code of 1972 as amended, require that the Defendant have an opportunity to show his level of intelligence. That in order for counsel to do this, the Defendant must have an opportunity to be examined by an expert for such a determination.

4. That the Defendant is an indigent and in other cases and circumstances even remotely similar to those of this case, a non-indigent defendant would have such tests made in order to present the best defense possible. The denial of the same opportunity for this indigent Defendant to raise these defenses properly results in a denial of due process and the equal protection of the law.

Respectfully Submitted,

Mack Arthur King

BY: /s/ Joe O. Sams Jr.

Joe O. Sams Jr.

Attorney for Defendant

F I L E D

SEP 30 1980

T. E. Wiggins

Circuit Clerk

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that I have this day placed in the United States mail, postage prepaid, a true and correct copy of the above and foregoing Motion for Mental Examination to the Honorable John M. "Mickey" Montgomery, or one of his assistants at this usual mailing address of 203 East Main Street, Starkville, Mississippi 39759.

SO CERTIFIED this the 12th day of September, A.D., 1980.

/s/ Joe O. Sams Jr.

Joe O. Sams, Jr.

F I L E D

SEP 30 1980

T. E. Wiggins

Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

IN VACATION 1980

STATE OF MISSISSIPPI

VERSUS

NO. 6716

MACK ARTHUR KING

DEFENDANT

---

ORDER OVERRULING MOTION

---

Came on for hearing and was heard the Defendant's Motion to Make the Indictment More Definite and Certain and the Court being fully advised in the premises is of the opinion that said Motion is not well taken and it is hereby overruled.

SO ORDERED, this the 30 day of Sept., A.D., 1980.

/s/ Harvey Buck

Honorable Harvey S. Buck

Circuit Judge

F I L E D

SEP 30 1980

T. E. Wiggins

Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
IN VACATION, 1980

STATE OF MISSISSIPPI

VERSUS

MACK ARTHUR KING

NO. 6716

DEFENDANT

MOTION

Comes now, Joe O. Sams, Jr., Court appointed attorney for Defendant, and moves for additional counsel, respectfully showing that the Defendant herein is a prior felon and is now charged with capital murder.

Your movant will further show this case is extremely detailed and that extensive investigation will be necessary and additional counsel is necessary.

F I L E D

OCT 6 1980

T. E. Wiggins

Circuit Clerk

RESPECTFULLY SUBMITTED,

MACK ARTHUR KING

BY: /s/ Joe O. Sams Jr.

Joe O. Sams Jr.

C E R T I F I C A T E

This is to certify that I, the undersigned attorney, have this day deposited in the United States mail, postage prepaid, a true and correct copy of the above and foregoing Motion to the Honorable John "Mickey" Montgomery or one of his assistants at his usual mailing address of 203 East Main, Starkville, Mississippi 39759.

DATED, this the 3rd day of October, A.D., 1980.

/s/ Joe O. Sams Jr.

Joe O. Sams, Jr.

F I L E D

OCT 6 1980

T. E. Wiggins,

Circuit Clerk



IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
IN VACATION TERM, 1980

STATE OF MISSISSIPPI

VERSUS

NO. 6716

MACK ARTHUR KING

---

ORDER

---

This cause came on for hearing this day in open Court  
on Motion for Additional Counsel.

The Court finds said Motion well taken.

IT IS TEREFORE ORDERED that the Honorable Robert B.  
Prather be and he is hereby appointed as additional counsel  
in this cause.

SO ORDERED this 6th day of October, A.D., 1980.

/s/ Harvey Buck

Circuit Judge

F I L E D

OCT 10 1980

T. E. Wiggins

Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI  
IN VACATION, 1980

STATE OF MISSISSIPPI

VERSUS

MACK ARTHUR KING

NO. 6716

DEFENDANT

---

ORDER FOR MENTAL EXAMINATION

---

Came on for hearing this day and was heard a motion of the Defendant, Mack Arthur King, for a commitment to the Mississippi State Hospital for a mental examination, and on proof, the Court finds as follows:

I

That the Defendant, Mack Arthur King, is charged with a felony in Lowndes County, Mississippi, and it further appears that the mental condition of said Defendant is in question, and that said Motion should be granted.

II

Mack Arthur King is hereby committed to the Mississippi State Hospital for a mental examination by any psychiatrist at said institution to determine:

- A. The level of intelligence of the Defendant,
- B. The Defendant's ability to comprehend the gravity of the charges against him,
- C. The Defendant's ability to help in preparation of his defense and to understand the same,
- D. The standard of conduct that would be expected of the Defendant in certain factual situations to be developed during the trial,
- E. The competency of the Defendant to stand trial.

III

That the Sheriff of Lowndes County, Mississippi will transport said Defendant to the Mississippi State Hospital

**FILED**

OCT 10 1980

*J. E. Wiggins*

Clerk Clerk

///

at Whitfield for mental examination at his earliest convenience, and further that the Sheriff of Lowndes County, Mississippi will keep said Defendant in his custody without bail at all times until delivery of said Defendant to the Mississippi State Hospital at Whitfield, and that the Mississippi State Hospital at Whitfield will keep said Defendant in their custody until they have completed said psychiatric examination at which time said hospital shall return custody of the Defendant to the Sheriff of Lowndes County, Mississippi, who will keep custody of the Defendant until the Court orders otherwise.

IV

That all expenses or costs in connection with this mental examination shall be paid by Lowndes County, Mississippi.

V

That the attorney for the Defendant shall prepare and promptly furnish to the authorities at said hospital, the following:

- A. A brief resume of all evidence that indicates any cause to believe the Defendant is not mentally competent.
- B. All evidence that indicates that the Defendant has a lower than average intelligence level.
- C. The names and addresses of all hospitals in which Defendant has been a patient, if available.
- D. Any available record of military service of Defendant.

VI

That the Sheriff of Lowndes County, Mississippi shall furnish the Mississippi State Hospital at Whitfield as soon as available a record of previous criminal activities on the part of the Defendant.

SO ORDERED AND ADJUDGED this the 6 day of Oct,

A.D. 1980.

**FILED**

OCT 10 1980

*J. E. Wiggins*  
Clerk

*Harvey Buck*  
HON. HARVEY J. BUCK,  
CIRCUIT JUDGE

MISSISSIPPI STATE HOSPITAL  
WHITFIELD, MISSISSIPPI 39193

November 4, 1980

Honorable Judge Harvey S. Buck

P. O. Box 835

West Point, Mississippi 39773

Re: Mack Arthur King

Dear Judge Buck:

We saw Mr. Mack Arthur King, a twenty-one year old black male, for psychiatric evaluation to determine competency and responsibility in connection with a charge of capitol murder.

After psychiatric interview and consideration of the history provided, the professional staff here at the forensic unit unanimously agreed that the patient was without psychosis, competent to stand trial and responsible for his actions at the time of the alleged crime.

If we can provide further assistance or information, please contact me.

Respectfully,

/s/ Robert L. McKinley Jr.

Robert L. McKinley, Jr., M.D.

Staff Psychiatrist

RLM/uw

c c - Honorable John M. Montgomery, District Attorney

Sheriff Louis W. Harper, Sr.

Mr. T. E. Wiggins, Circuit Clerk

Honorable Joe O. Sams, Jr. Attorney at Law

F I L E D

NOV 7 1980

T. E. Wiggins,

Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

NOVEMBER TERM, 1980

STATE OF MISSISSIPPI

VERSUS

NO. 6716

MACK ARTHUR KING

DEFENDANT

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MOTION

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Comes now the Defendant, by and through his Attorney, and moves that this Court empanel a Special Venire of not less than 100 jurors for the trial of this cause, respectfully showing that the Defendant is charged with the crime of Capital Murder and as such is entitled to a Special Venire by law.

Respectfully submitted,

Mack Arthur King

BY: /s/ Joe O. Sams Jr.

Joe O. Sams, Jr.

Attorney for Defendant

Joe O. Sams, Jr.

Attorney at Law

P. O. Box 249

Columbus, MS 39701

(601) 328-6491

CERTIFICATE

This is to certify that I have this day delivered to the Honorable John M. "Mickey" Montgomery, the District Attorney, or his assistant, a true and correct copy of the foregoing Motion at his usual mailing address of 203 East Main, Starkville, Mississippi 39759.

DATED this the 10th day of November, A.D., 1980

F I L E D

/s/ Joe O. Sams Jr.

NOV 10 1980

Joe O. Sams, Jr.

T. E. Wiggins, Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

NOVEMBER TERM, 1980

STATE OF MISSISSIPPI

VERSUS

NO. 6716

MACK ARTHUR KING

DEFENDANT

---

MOTION FOR DISCOVERY

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Comes now the Defendant in the above styled and numbered cause pursuant to Rule 4.06 of the Uniform Circuit Court Rules as adopted by the Mississippi Supreme Court and moves this Court to require the State to produce the following items:

- (1) Names and addresses of all witnesses proposed to be offered by the prosecution in their trial.
- (2) Copy of any recorded statement of the Defendant to any law enforcement officer.
- (3) Require the State to allow Defense Counsel to view all physical evidence and photographs to be offered in evidence at the trial.
- (4) Any report and/or statements of experts made in connection with this cause.

Defendant further requests that this Court will enter an Order requiring the State to comply with the above requested discovery and enter its Order fixing a time, date and place for compliance therewith.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully moves that this his Motion for Discovery will be received and filed and upon a hearing hereof, that the Court will allow the Discovery as heretofore requested.

F I L E D

RESPECTFULLY SUBMITTED,

NOV 10 1980

/s/ Joe O. Sams Jr.

T. E. Wiggins

Joe O. Sams, Jr.

Circuit Clerk

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that I have this day placed in the United States mail, postage pre-paid, a true and correct copy fo the above and foregoing Motion for Discovery to the Honorable John M. "Mickey" Montgomery, or one of his assistants at his usual mailing address of 203 East Main Street, Starkville, Mississippi 39759.

SO CERTIFIED this the 17th day of November, A.D., 1980.

/s/ Joe O. Sams Jr.

Joe O. Sams, Jr.

F I L E D

NOV 10 1980

T. E. Wiggins

Circuit Clerk

IN THE CIRCUIT COURT OF LOWNDES COUNTY, MISSISSIPPI

NOVEMBER TERM, 1980

STATE OF MISSISSIPPI

VERSUS

NO. 6716

MACK ARTHUR KING

DEFENDANT

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ORDER

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This cause came on for hearing this day on Motion for Special Venire.

It appearing that the Motion is well taken it is therefore ordered that a Special Venire consisting of not less than 75 jurors for a special venire be drawn by the Clerk of the Court in accordance with the statutes made and provided in such cases.

SO ORDERED this the 13 day of November, A.D., 1980.

/s/ Harvey Buck

Circuit Judge

F I L E D

NOV 13 1980

T. E. Wiggins

Circuit Clerk